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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/638,848   | 08/14/2000  | Jay Paul Drummond    | D-1077+17           | 9773             |
| 28995  | 7590        | 03/25/2004           |                     |                  |
| RALPH E. JOCKE<br>231 SOUTH BROADWAY<br>MEDINA, OH 44256 |             |                      |                     |                  |
| EXAMINER<br>ELISCA, PIERRE E                             |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3621   |             |                      |                     |                  |
| DATE MAILED: 03/25/2004                                  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/638,848

Applicant(s)

DRUMMOND ET AL.

Examiner

Pierre E. Elisca

Art Unit

2785

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 28, 31-33 and 39-43 is/are rejected.
- 7) ☒ Claim(s) 27, 29, 30 and 34-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. This Office action is in response to Applicant's amendment, filed on 12/08/2003.
2. Claims 1-43 are pending.

***Allowable Subject Matter***

3. Claim 27, 29, 30, 34, 35, 36, 37 and 38 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-26, 28, 31-33, 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner (U.S. Pat. No. 5,742,845) in view of Zeanah et al. (U.S. Pat. No. 5,933,816).

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As per claims 1, 4, 5, 6, 7 and 40-43 Wagner substantially discloses an ATM or POS data transaction system, comprising:

providing a first , wherein the first icon corresponds to a first ATM object (see., Wagner, abstract, col 1, lines 14-67, col 2, lines 4-63, col 4, lines 1-67, please note that each terminal or computer has a icon). It is to be noted that Vak fails to explicitly disclose a second icon corresponds to a second ATM. However, Zeanah discloses a second icon corresponds to a second ATM object (see., Zeanah, abstract, col 5, lines 39-60, it is obvious to realize each computer or terminal has a icon). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the ATM/POS based electronic mail system of Wagner with the ATM of Zeanah because this would permit ATM users to transmit messages to each other.

As per claim 2, Wagner discloses the claimed method of storing in a memory a plurality of institutions that are representative of the association visually represented in the work place (see., Wagner, abstract, col 2, lines 24-63).

As per claim 3, Wagner discloses the claimed method of performing a transaction with an automated transaction machine responsive to the instructions (see., abstract, col 1, lines 14-67, col 4, lines 1-34).

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As per claim 8, Wagner discloses the claimed method wherein in step (f) the function includes having a transaction function device perform an operation (see., abstract, col 1, lines 14-67, col 4, lines 1-34).

As per claims 9, 10, 11, Wagner discloses the claimed method wherein the transaction function device includes a cash dispenser device (see., Wagner, abstract, col 1, lines 14-67, col 4, lines 1-34, ATM dispenses cash).

6. Claims 12-26, 28, 31-33 and 39 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wagner in view of Zeanah.

As per claims 12-39 Wagner disclose the claimed limitations as stated in claims 7, 5, 3 and 1 above. It is to be noted that Wagner fails to disclose a third ATM. However, Zeanah discloses a third ATM see., Zeanah, abstract). Furthermore, Zeanah discloses a navigation shell component 82, and a web browser remote device or web page, and a delivery capabilities that include the HTML level ( see., col 12, lines 41-67, col 19, lines 18-34). It is obvious to recognize that the teachings of Wagner and Zeanah can also include a fourth ATM. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the ATM systems of Wagner with the third ATM of Zeanah because this would permit ATM users to transmit messages to each other.

RESPONSE TO ARGUMENTS

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7. Applicant's arguments filed on 12/08/2003 have been fully considered but they are moot in view of new ground (s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pierre Eddy Elisca

Primary Patent Examiner

March 18, 2004